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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JAN 03 2006

at 4 o'clock and 07 min. PMJP
SUE BEITIA, CLERK

Attorney for Defendant
ERIC K. HO

IN THE UNITED STATES DISTRICT CIRCUIT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA

) CR. NO. 05-00027 JMS-02

) vs.

ERIC K. HO (02),

)
Defendant.
) **REQUEST FOR AN EXTENSION OF
THE 01/03/2006 DEADLINE WITHIN
WHICH TO SUBMIT SENTENCING
STATEMENTS; DECLARATION OF
COUNSEL; AND CERTIFICATE OF
SERVICE**
) Sentencing Statements Due: 01/03/2006
) Sentencing: 02/06/2006
) Time: 1:30 p.m.
) Judge: Honorable J. Michael Seabright

**REQUEST FOR AN EXTENSION OF THE 01/03/2006 DEADLINE WITHIN WHICH
TO SUBMIT SENTENCING STATEMENTS**

Comes now Defendant ERIC K. HO, by and through his attorney Craig T. Kimsel, and hereby moves this Honorable Court for an Order extending the time within which Sentencing Statements may be submitted from January 3, 2006, to January 13, 2006

This Motion is made pursuant to the October 30, 1997 Local Rules of Practice for the United States District Court for the District of Hawaii, Sentencing Procedure, and the attached Declaration of Counsel.

ORIGINAL

DECLARATION OF COUNSEL

CRAIG T. KIMSEL declares as follows:

1. I am an attorney licensed to practice law in the State of Hawaii, and before the Federal District Court for the District of Hawaii, and represent Defendant ERIC K. HO (hereinafter "Defendant HO") in the above-referenced matter;
2. That the Draft Presentence Report was prepared December 19, 2005, and calls for all responses thereto to be submitted no later than January 3, 2006;
3. That the Draft Presentence Report includes therein at paragraphs numbers 36 through 41 the criminal record of Defendant HO;
4. That the Draft Presentence Report is inaccurate in that it overlooks the grant of reconsideration given in two of the three felony convictions detailed therein;
5. That Declarant requests additional time to address that issue, and to address any impact upon Defendant HO'S sentence through the recalculation of Defendant HO criminal history category, if warranted;
6. Therefore, Declarant respectfully requests that the deadline for the submission of Sentencing Statements be extended from January 3, 2006, to January 13, 2006;
7. I declare under the penalty for perjury that the foregoing statements are true and correct to the best of my knowledge and belief.

FURTHER DECLARANT SAYETH NOT.

Dated: Honolulu, Hawaii, January 2, 2006.



CRAIG T. KIMSEL
Attorney for Defendant
ERIC K. HO

IN THE UNITED STATES DISTRICT CIRCUIT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA) CR. NO. 05-00027 JMS-02
)
vs.)
)
ERIC K. HO (02),)
)
Defendant.) **CERTIFICATE OF SERVICE**
)
)

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document shall be duly served on the following parties
on the date of filing herein

TO: MR. MARK A. INCIONG, ESQ.
Assistant United States Attorney
Office of the United States Attorney
300 Ala Moana Blvd., Room 6-100
Honolulu, Hawaii 96850

MS. ROSANNE T. DONOHOE
United States Probation Officer
United States District Court for the District of Hawaii
Ground Floor
Honolulu, Hawaii 96850

DATED: Honolulu, Hawaii, January 3, 2006.



CRAIG T. KIMSEL
Attorney for Defendant
ERIC K. HO